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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,089	09/17/2003	Hiroyuki Sekiguchi	03886/0200058-US0	3720
7278	7590	05/13/2009	EXAMINER	
DARBY & DARBY P.C.			MANCHO, RONNIE M	
P.O. BOX 770			ART UNIT	PAPER NUMBER
Church Street Station				3664
New York, NY 10008-0770				
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			05/13/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/664,089	SEKIGUCHI, HIROYUKI
	<b>Examiner</b>	<b>Art Unit</b>
	RONNIE MANCHO	3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 January 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 29-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 29-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/4/09.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 1/23/09. These drawings are acknowledged and entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. claims 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Saneyoshi et al (6122597).

Regarding claim 29, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose a vehicle surroundings monitoring apparatus comprising:

(a) first means (fig. 12, col. 8, line 50-55) for detecting at least solid object information ahead of an own vehicle;

(c) second means (figs. 6, 7, 12, 13; col. 3, lines 11-49) for estimating a travel path for the own vehicle on a road ahead;

(b) third means (fig. 12, col. 8, line 50-55) for recognizing a preceding vehicle traveling in front of the own vehicle based on the solid object information; and

(d) fourth means (figs. 6, 7, 12, 13; col. 3, lines 11-49) for judging whether there is any forward traveling object, which travels in the same direction as the own vehicle, other than the

preceding vehicle based on the solid object information (col. 5, lines 5-41; col. 8, lines 12-43; fig. 14);

firth means (fig. 8; col. 5, lines 42-49) for setting a parameter in response to both a lengthwise and a widthwise distance of the preceding vehicle from the own vehicle; sixth means (col. 5, lines 50-56) for adjusting the parameter in a case where any forward traveling object other than the preceding vehicle has been judged;

seventh means (col. 5, lines 5-22) for judging whether the adjusted parameter is larger than a threshold value; and

eighth means (col. 5, lines 5-22) for judging that the preceding vehicle is not traveling in front of the travel path of the own vehicle in a case where the adjusted parameter is larger than the threshold value and outputting a signal (col. 5, lines 5-22).

Regarding claim 30, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose the vehicle surroundings monitoring apparatus according to claim 29, wherein the parameter is cleared when the lengthwise distance is farther than a pre-established distance.

Regarding claim 31, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose the vehicle surroundings monitoring apparatus according to claim 29, wherein the parameter is set to increase when the preceding vehicle is in a region comprising an area of a predetermined width and length around the travel path of the own vehicle .

Regarding claim 32, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose the vehicle surroundings monitoring apparatus according to claim 31, wherein the parameter is set to increase as the preceding vehicle approaches the own vehicle region (see frequency histogram, fig. 13).

Regarding claim 33, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose a travel control system for controlling the travel of an own vehicle at least based on the output signal from the vehicle surroundings monitoring apparatus described in claim 29.

***Response to Arguments***

4. Applicant's arguments filed 1/23/09 have been fully considered but they are not persuasive.

Applicant's drawings submitted 1/23/09 have been acknowledged and entered.

The 112 first rejections have been withdrawn in view of applicant's amendments of to fig. 4.

Applicant argues that the prior art does not disclose the limitations:  
fifth means for setting a parameter in response to both a lengthwise and a widthwise distance of the preceding vehicle from the own vehicle;  
sixth means for adjusting the parameter in a case where any forward traveling object other than the preceding vehicle has been judged;

The examiner respectfully disagrees. The prior art discloses detecting items including a preceding vehicle and other objects with respect to a host vehicle traveling on a road. The items are detected based on lengthwise and a widthwise distance (expressed by x, y, z parameters; see prior art, figs. 6-8; col. 4, lines 3-11) from the host vehicle. Items are detected singly or in groups according to their distances (length, width and height) from the host vehicle. The distances of the items from the host vehicle are divided into sections or zones (blocks; col. 5, lines 42-49) as seen in (figs. 13 and 14; col. 8, lines 11-56) of the prior art. The detection of items is plotted as frequency (which is an inverse of time, t) and distance of the items from the

host vehicle. Thus the frequency curve (i.e. histogram height) as shown in figs. 13 is the claimed “parameter” that is set in response to both a lengthwise and a widthwise distance (Z1, Z2; col. 8, lines 33-43) of the preceding vehicle from the own vehicle. Thus when a preceding vehicle is detected, the frequency or claimed “parameter” is set to correspond to the lengthwise and a widthwise distance (Z2; col. 8, lines 33-43). If many vehicles or other items appear in the same zone (i.e. divided blocks as shown if fig. 13&14) then the frequency “parameter” is adjusted to have two spikes at Z2 as shown fig. 13. When another such as a forward traveling object (bicycle rider or pedestrian) other than the preceding vehicle is detected then frequency is also adjusted as shown at Z1 (fig. 13).

Is it thus believed that the prior art anticipates the claims.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Communication***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONNIE MANCHO whose telephone number is (571)272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Khoi can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho  
Examiner  
Art Unit 3664

5/9/2009

/KHOI TRAN/  
Supervisory Patent Examiner, Art Unit 3664